

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS ) MDL Docket No. 875  
LIABILITY LITIGATION )  
(No. VI) )

BARKER v. AC & S, INC., )  
et al., 09-CV-60285 )

SOUJA v. OWENS ILLINOIS, INC., )  
et al, 09-CV-60256 )

VIDEOTAPED DISCOVERY DEPOSITION OF  
GEORGE SCHLUB

Taken on behalf of the Plaintiffs  
January 27, 2012

Reported by Kathy A. O'Donnell, CSR, RPR  
Illinois License No. 084-004466

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VIDEOTAPED DISCOVERY DEPOSITION OF GEORGE  
SCHLUB, produced, sworn, and examined on behalf of  
the Plaintiffs, January 27th, 2012, starting at  
10:00 a.m. in the morning and ending at 10:43 a.m. in  
the morning on that day at 7413 Wallingford Way,  
Rockford, Illinois, before Kathy A. O'Donnell, a  
Certified Shorthand Reporter, Registered Professional  
Reporter, and Notary Public.

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WITNESS PAGE  
GEORGE SCHLUB

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No. 1. Notice of videotaped deposition  
(Not referenced)

APPEARANCES  
CASCINO VAUGHAN LAW OFFICES, LTD.,  
220 South Ashland Avenue  
Chicago, Illinois 60607  
(312) 944-0600  
BY: MR. RONALD ARCHER  
Appeared on behalf of Plaintiffs;

SCHIFF HARDIN, LLP,  
233 South Wacker Drive, Suite 6600  
Chicago, Illinois 60606  
(312) 258-5642  
dmorris@schiffhardin.com  
BY: MR. DAVID T. MORRIS  
Appeared on behalf of Defendant Owens Illinois,  
Incorporated.

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1 It is hereby stipulated and agreed by and  
2 between Counsel for the Plaintiffs and Counsel for  
3 the Defendants that this deposition may be taken in  
4 shorthand by KATHY A. O'DONNELL, a Registered  
5 Professional Reporter, Certified Shorthand Reporter,  
6 and Notary Public, and afterwards transcribed into  
7 typewriting, and the signature of the witness is  
8 waived by agreement of counsel and the witness.

9 O-O-O

10 (Schlub Deposition Exhibit No. 1  
11 marked for identification.)

12 MR. ARCHER: We're on the record. It's  
13 January 27th, 2012. This is the George Schlub  
14 deposition. The deposition is being taken in the  
15 following cases: Barker vs. AC & S, Incorporated,  
16 et al, which the case number is 09-CV-60285, and  
17 Souja, et al., vs. Owens Illinois, Incorporated,  
18 et al. The case number for that is 09-CV-60256.  
19 These cases are venued in the United States District  
20 Court for the Eastern District of Pennsylvania, MDL  
21 Docket No. 875.

22 We are actually at Mr. Schlub's home at  
23 7413 Wallingford Way, Rockford, Illinois 61107. The  
24 court reporting is being done today by Pohlman

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1 Reporting out of 10 South Broadway, St. Louis,  
2 Missouri, 63102, phone number is (314) 421-0099.  
3 My name is Ron Archer. I represent the  
4 Plaintiffs in the actions mentioned before, and also  
5 I represent George Schlub. I'm with Cascino Vaughan.  
6 We're out of 220 South Ashland Avenue, Chicago,  
7 Illinois 60607, phone number is (312) 944-0600.

8 For the video record, will other  
9 attorneys, which is just one, make his appearance for  
10 the record?

11 MR. MORRIS: David Morris for Owens  
12 Illinois, Incorporated.

13 MR. ARCHER: Thank you.

14 EXAMINATION

15 BY MR. ARCHER:

16 Q. Good morning.

17 A. **Morning.**

18 Q. Please introduce yourself to the members  
19 of the jury.

20 A. **My name is George Schlub.**

21 Q. How old are you?

22 A. **80 years old.**

23 Q. You live here in Rockford?

24 A. **Yes, I do.**

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1 MR. MORRIS: Excuse me, Counsel. She'd  
2 like to swear him in first.

3 GEORGE SCHLUB,  
4 of lawful age, being produced, sworn and examined on  
5 the part of the Defendants, and after responding "I  
6 do" to the oath administered by the court reporter,  
7 deposes and says:

8 \* \* \* \* \*

9 BY MR. ARCHER:

10 Q. Good morning, again.

11 A. **Good morning.**

12 Q. Do you affirm what you just told me  
13 three, four seconds ago?

14 MR. MORRIS: Your name.

15 BY MR. ARCHER:

16 Q. Was what you said earlier --

17 A. **My name?**

18 Q. -- the truth?

19 A. **Oh, the truth, yes.**

20 Q. As if you were under oath --

21 A. **Yes.**

22 Q. -- still?

23 All right. Where are you from  
24 originally?

Page 8

1 A. **Originally I'm from Wisconsin.**

2 Q. Are you married?

3 A. **No, divorced.**

4 Q. Do you have any children?

5 A. **I have four children.**

6 Q. Any grandkids?

7 A. **I have seven grandchildren.**

8 Q. Are you retired?

9 A. **I'm retired, yes.**

10 Q. What do you do now these days that you're  
11 retired?

12 A. **Hmm?**

13 Q. What do you do nowadays that you're  
14 retired?

15 A. **Oh, I have hobbies, and I try to help out  
16 people, especially people in my trade if they need  
17 assistance.**

18 Q. I understand you were in the military?

19 A. **Yes, I was.**

20 Q. What branch?

21 A. **Army.**

22 Q. When did you serve?

23 A. **I served in 1951 and '52.**

24 Q. Where did you serve?

2 (Pages 5 to 8)

[Examination by Mr. Archer]

Page 9

1 A. Where?

2 Q. Where.

3 A. I took my training in Kentucky, and then  
4 I was shipped to Korea during the Korean War.

5 Q. Were you honorably discharged?

6 A. Yes, I was.

7 Q. Let's talk about your work. What was  
8 your trade?

9 A. My trade before I retired was an asbestos  
10 worker, or heat and frost engineer they call them  
11 now.

12 Q. When did you start?

13 A. I started in 1955.

14 Q. Were you in a union?

15 A. Yes, I was.

16 Q. What local is that?

17 A. Local 19 in Milwaukee, Wisconsin.

18 Q. What is an asbestos worker?

19 A. What is an asbestos worker?

20 Q. Describe that for us.

21 A. I'm a tradesman that works with other  
22 building trades in construction in new buildings and  
23 old buildings and restorations and powerhouses,  
24 whatever, commercial/residential buildings, applying

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1 insulation to pipes, you know, heating pipes, cooling  
2 pipes, to ductwork, vessels, and whatever needs  
3 insulating.

4 Q. What types of insulation did you work  
5 with throughout your career?

6 A. I worked with lots of types of  
7 insulation, asbestos mostly. When I first started  
8 out, it was mostly asbestos materials. In later  
9 years it was fiberglass.

10 Q. Did you come to know a fellow by the name  
11 of Ozzie Souja?

12 A. Yes, I know him.

13 Q. How did you know him?

14 A. I worked with him in a trade.

15 Q. If he were on the job, would you  
16 recognize him?

17 A. I would.

18 Q. Is he -- Would you have a decent  
19 understanding of the kinds of things he was working  
20 with and around on jobs you shared with him?

21 A. Did I what.

22 Q. Would you have a decent understanding of  
23 the kinds of things he was working with and around on  
24 jobs you worked with him?

Page 11

1 A. Yes.

2 MR. MORRIS: Object to form.

3 A. Yes. I was familiar with all that, what  
4 I worked with and what other trades were working with  
5 around me, yes.

6 Q. So if we want to know the kinds of things  
7 he worked with and around on jobs you shared  
8 together, would you be somebody that could help us  
9 out with that?

10 A. Yes.

11 Q. Where did you work with Ozzie Souja?

12 A. I worked with him at Badger Ordnance at  
13 Baraboo, Wisconsin Army ammunition plant.

14 Q. What is Badger Ordnance?

15 A. It's a plant owned by the U.S.  
16 Government. It covers 10,000 acres, and it's -- they  
17 make Army -- they used to make Army ammunition there  
18 for -- you know, all kinds of ammunition.

19 Q. When did you work there with Mr. Souja?

20 A. I worked there with Mr. Souja in the late  
21 '60s and early '70s.

22 Q. About how long did you work with him  
23 there? Was it a matter of days, weeks, months?

24 A. Months, yeah.

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1 Q. What were you doing there?

2 A. We were repairing insulation-covered  
3 pipes where the weather had gotten to it and the  
4 weather-proofing had -- the weather-proofing had  
5 fallen off, and they -- the materials, insulating  
6 materials, were deteriorated and we had to remove  
7 them and replace them with new insulation. And there  
8 was also some new construction that was going on too  
9 that we worked on too. It was new work, and we had  
10 to insulate that too. But mostly it was removing or  
11 re-weather-proofing insulation materials that were on  
12 the pipes already.

13 Q. How much pipe insulation did you have to  
14 remove out there at Badger Ordnance at this time?  
15 Was this a matter of just a few feet or hundreds of  
16 feet, or what? How would you put it?

17 MR. MORRIS: Object to form and  
18 foundation.

19 Sir, I may interpose some objections. If  
20 you could just wait for a second for me to interpose  
21 them.

22 THE WITNESS: What?

23 BY MR. ARCHER:

24 Q. When my questions are not good, he's

3 (Pages 9 to 12)

[Examination by Mr. Archer]

Page 13

1 going to object.

2 **A. Oh, okay.**

3 Q. Or at least he thinks they're not good.

4 MR. MORRIS: Right, there you go.

5 BY MR. ARCHER:

6 Q. And he's making that objection for the  
7 record in case a judge at some point looks at the  
8 videotape or the transcript and has to make a  
9 decision, Hey, is that question bad or is it okay or  
10 is it -- you know, however he thinks it is. He's  
11 just making that objection for the record.

12 **A. It's an objection?**

13 Q. Yeah. It's for the record, but you don't  
14 have to -- you don't have to do anything.

15 **A. Okay.**

16 Q. Just basically what you want to do is  
17 concentrate on what I'm saying --

18 **A. Yeah.**

19 Q. -- and what you and I are talking about.

20 **A. Okay. What's the objection to?**

21 Q. Don't worry about it.

22 **A. Okay.**

23 MR. ARCHER: Can you read back the  
24 question subject to the objection?

Page 14

1 BY MR. ARCHER:

2 Q. And then listen to the question and then  
3 answer it.

4 **A. The same way I answered it the first  
5 time?**

6 Q. Yeah -- No. Well, just answer it as you  
7 will.

8 (Record read as requested.)

9 BY THE WITNESS:

10 **A. I would put it thousands of feet that we  
11 removed and also reapplied. It had to be insulated,  
12 so we had to reapply the insulation and weather-proof  
13 that too. But it was thousands of feet that we did.  
14 It was all outside, most of it.**

15 Q. How did you remove the insulation?

16 **A. How would we remove it? We would cut  
17 the -- The insulation is wired on, and we had to cut  
18 the wires. It was deteriorated and hanging there,  
19 and the weather-proofing was mostly gone. We had to  
20 cut it down with our nippers and let it fall to the  
21 ground, you know.**

22 Q. Did the removal of the pipe insulation  
23 create dust or not?

24 **A. Oh, certainly, lots of dust.**

Page 15

1 Q. Was it dust that you could see with your  
2 eyes?

3 **A. You could see it. It was outside, and  
4 the wind was blowing it around, whipping it around on  
5 days that it was windy.**

6 Q. Did you work in that dust? When I say  
7 "you," I'm meaning did you and Souja and the rest of  
8 your crew work in that dust.

9 **A. Sure, we did. We had to. We had to.  
10 They didn't give us masks to wear either. We had to  
11 work in it. And we would breathe it in, and it would  
12 get on our clothing and get on our hands. We didn't  
13 have no washroom facilities, so we'd probably be  
14 eating our lunches without washing our hands, you  
15 know. That's as I remember it.**

16 Q. How long was the work out there -- I  
17 asked you that. It was for about months, was it?

18 **A. Months, yeah, months. It wasn't always  
19 consecutive months, but it was on and off, on and off  
20 through the summer usually when we did it.**

21 Q. Was Souja there pretty much the whole  
22 time you were there, or was he there just for some of  
23 it or what?

24 **A. I worked with Ozzie there -- yeah, he was**

Page 16

1 **there. Him and I worked many months there, yeah.**

2 Q. Could you tell the -- The insulation that  
3 you were taking off, could you tell whose it was,  
4 like what brand it was?

5 MR. MORRIS: Object to form, foundation.

6 Go ahead.

7 BY THE WITNESS:

8 **A. I knew what it was because I worked with  
9 it all my life -- not all my life, but all my life in  
10 the trade I had been using that materials. I knew  
11 what it looked like, what it felt like, what it  
12 smelled like. And I could tell that it was a Kaylo  
13 asbestos material.**

14 Q. Had you ever worked at Badger Ordnance  
15 before the 1960s work there?

16 **A. Yes.**

17 Q. When?

18 **A. Well, I got into the trade in 1955, and  
19 I -- I was exposed to it at that time.**

20 Q. Right. Did you work at Badger Ordnance  
21 in the 1950s, or no?

22 **A. To my recollection, I did work. Maybe at  
23 the end of the '50s I worked there. Not maybe, but I  
24 know I worked there at the end of 1950s and into the**

4 (Pages 13 to 16)

[Examination by Mr. Archer]

Page 17

1 '60s and '70s.

2 Q. Did you work there before 1958?

3 MR. MORRIS: Objection, form, foundation.  
4 Go ahead.

5 BY MR. ARCHER:

6 Q. Would you be able to say that you worked  
7 there before '58 or no?

8 MR. MORRIS: Same objections.

9 BY THE WITNESS:

10 A. Yes. I worked there before 1958, yeah.  
11 I worked there after '55, yeah.

12 Q. Were there other brands of insulation  
13 that you guys were removing out there besides Kaylo  
14 in the 1960s and early 1970s when you and Souja were  
15 there?

16 A. To my knowledge, no. It was Kaylo.

17 Q. When you were there in the 1950s, what  
18 brand insulation were you installing there, if you  
19 were?

20 A. I was installing Kaylo.

21 Q. Who were you working for out there in the  
22 1950s at Badger Ordnance?

23 A. Johnson Insulating Company of Madison,  
24 Wisconsin.

Page 18

1 Q. Who did you work for when you were back  
2 there in the 1950s?

3 A. L&S Insulation from Milwaukee, Wisconsin,  
4 and also Johnson too. Sometimes in the '60s I worked  
5 with Johnson there too. I think with AC & S, I  
6 think, from Illinois I think was there too. But  
7 Ozzie worked just for L&S, to my knowledge.

8 Q. Did he work for Johnson out there with  
9 you at all?

10 A. He worked for L&S. And I worked for L&S  
11 at that time when he did too.

12 Q. Gotcha. Was there insulation present at  
13 Badger Ordnance when you were there in the '50s that  
14 had already been installed previously?

15 A. Yes. And also they had a warehouse that  
16 had insulation in it, in the boxes, yeah.

17 Q. When you were there in the '50s, would  
18 you -- were you able to tell what insulation was  
19 already present and existing on pipes at that time?

20 MR. MORRIS: Object to form, foundation.

21 Go ahead.

22 BY THE WITNESS:

23 A. I was familiar with it, yes.

24 Q. Whose was it?

Page 19

1 MR. MORRIS: Same objections.

2 BY THE WITNESS:

3 A. It was Kaylo.

4 Q. How do you know it was Kaylo?

5 A. Because I worked with Kaylo and I knew  
6 what it looked like. It was white, chalky. It was  
7 very distinctive in the texture of it. I could tell  
8 by the texture and the composition that it was Kaylo  
9 because I was familiar with Kaylo, so it was  
10 something that I had always worked with.

11 Q. Back when you were working as a  
12 journeyman, would you have been able to tell the  
13 difference between -- like, if we laid up, like,  
14 Johns Manville Thermobestos insulation, Carey, Kaylo,  
15 and other brands of insulation, would you be able to  
16 tell them apart back in the day when you were  
17 working --

18 MR. MORRIS: Objection, form, foundation.

19 BY MR. ARCHER:

20 Q. -- on a daily basis?

21 A. I could tell Kaylo was different from the  
22 other insulations, yes. And at that time I was an  
23 apprentice too in the '50s. I was a journeyman in  
24 the '60s, but in the '50s I was an apprentice.

Page 20

1 Q. What were some characteristics that  
2 Kaylo -- that set apart Kaylo from other brands?

3 A. Just the appearance of it, the  
4 composition, the color, the texture, the different  
5 white coloring of it, the fiber, whatever.

6 Q. What about the texture would tell you  
7 that it was Kaylo?

8 A. Well, it had a real smooth texture, where  
9 the others might have a rough or porous. Kaylo had a  
10 real solid, firm composition. I didn't give it a lot  
11 of thought at the time; but working with it, it's  
12 right there in front of you all the time. I didn't  
13 think, well, you know, what it's made of or anything.  
14 I knew it was asbestos, but I didn't -- it didn't  
15 dwell in my mind. But it was right in front of my  
16 eyes all the time, so I could tell the difference  
17 between that and other brands that I had used.

18 Q. How popular was Kaylo in the trade --

19 MR. MORRIS: Objection, form, foundation.

20 BY MR. ARCHER:

21 Q. -- up there in the Wisconsin area?

22 MR. MORRIS: Same objections, and calls  
23 for speculation.

5 (Pages 17 to 20)



[Examination by Mr. Archer]

Page 21

1 BY THE WITNESS:

2 **A. Kaylo was real popular. Most contractors**  
 3 **would send in Kaylo insulation out on the job for us**  
 4 **to apply. We knew it was Kaylo because it said right**  
 5 **on the box it was Kaylo. Also, besides being -- you**  
 6 **know, the other appearance to it.**

7 Q. Would you be able to say that you and  
 8 Souja worked with or removed Kaylo that had been  
 9 installed before '58 --

10 MR. MORRIS: Objection.

11 BY MR. ARCHER:

12 Q. -- out there at Badger Ordnance.

13 MR. MORRIS: Objection, form, foundation,  
 14 calls for speculation.

15 BY THE WITNESS:

16 **A. Could you repeat that again?**

17 Q. Yeah, subject to the objection, would you  
 18 be able to say that you and Souja worked -- or  
 19 removed Kaylo insulation that had been installed  
 20 before 1958 out there at Badger Ordnance?

21 MR. MORRIS: Same objections.

22 BY THE WITNESS:

23 **A. Yes. I could say that, yeah.**

24 Q. How?

Page 22

1 **A. Because I knew I'd -- Sometimes the**  
 2 **covering that I tore off was covering that I had put**  
 3 **on, you know, and had to be replaced again.**

4 Q. How much piping was out there? Was  
 5 there --

6 **A. Oh, miles.**

7 Q. -- miles of piping?

8 MR. MORRIS: Objection, form, foundation,  
 9 calls for speculation.

10 BY THE WITNESS:

11 **A. Yeah, it was miles and miles, probably**  
 12 **thousands of miles of piping. There's piping over**  
 13 **10,000 acres out there, pipes that carried the steam**  
 14 **and the condensate around. It was up on poles.**

15 Q. How much work did you do up there at  
 16 Badger Ordnance in the '50s?

17 **A. In the '50s? Very little in the '50s**  
 18 **because I was an apprentice then and I was just**  
 19 **starting in the trades. But in the '50s I had --**  
 20 **well, I had five years of work in the trade in the**  
 21 **'50s, so I worked with it quite a bit.**

22 Q. If you're looking at old insulation  
 23 that's deteriorated on a job, say, out at Badger  
 24 Ordnance, would you be able to estimate about how old

Page 23

1 that insulation would be?

2 MR. MORRIS: Objection, form, foundation.

3 BY MR. ARCHER:

4 Q. Based on your experience as an insulator,  
 5 as an asbestos worker.

6 MR. MORRIS: And calls for speculation.

7 BY THE WITNESS:

8 **A. Well, I knew it was installed in the**  
 9 **'40s. That's when they originally installed it. So**  
 10 **I knew it had to be installed then, in the '40s.**

11 Q. How did you know that it was installed in  
 12 the '40s?

13 MR. MORRIS: Same objections.

14 BY THE WITNESS:

15 **A. Because I worked with people in the**  
 16 **trades that had worked there in the '40s and applied**  
 17 **it, and they were also on the job when I worked there**  
 18 **in the '50s. So they said, well, too that they knew**  
 19 **that this was some covering that they had put on and**  
 20 **in the '40s when the plant was being built.**

21 Q. Did that insulation appear to be old when  
 22 it was being taken off?

23 **A. No. It appeared to be new because it was**  
 24 **weather-proofed and it had the appearance of -- the**

Page 24

1 **stuff that had the weather-proofing on yet,**  
 2 **underneath that it looked new yet. It was real white**  
 3 **and new and hadn't been weathered because it was**  
 4 **covered up.**

5 Q. What about the deteriorated insulation?

6 **A. Deteriorated stuff, the weather-proofing**  
 7 **had been -- had weathered and was falling off and the**  
 8 **insulation was weathered. It was rained on and had**  
 9 **dirt on it and stuff from dust blowing around the**  
 10 **fields there, and it had a real dirty-looking**  
 11 **appearance.**

12 Q. In your experience as an asbestos worker,  
 13 would you expect that insulation that was installed  
 14 in the '40s could last all the way up until the  
 15 1960s?

16 MR. MORRIS: Form, foundation, calls for  
 17 speculation, outside the scope.

18 BY MR. ARCHER:

19 Q. Based on your experience.

20 MR. MORRIS: Same objections.

21 BY THE WITNESS:

22 **A. On my experience, being weather-proofed,**  
 23 **it could last forever. But when it's exposed to the**  
 24 **weather, it deteriorates. But underneath that**

6 (Pages 21 to 24)

[Examination by Mr. Archer]

Page 25

deterioration, it's real white and chalky, the stuff that hasn't been eroded. It still has the white appearance of Kaylo.

Q. Do you have any doubt in your mind that you and Mr. Souja were exposed to dust from Kaylo insulation that had been installed out there at Badger Ordnance pre 1958?

MR. MORRIS: Hold on. Objection, form, foundation, calls for speculation, relevance as to whether or not he has doubt.

BY THE WITNESS:

**A. There's no speculation. I knew that I was exposed to it. I'm not speculating that I was exposed to it. I knew I was exposed to it.**

Q. Do you have any doubt?

MR. MORRIS: Same objections.

BY THE WITNESS:

**A. No doubt in my mind. It was Kaylo, and it was put on and it had to be reapplied or removed/reapplied. I knew that because that was my trade, and I knew it like I knew the back of my hand.**

MR. ARCHER: Those are all the questions I have for you at this time.

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**was probably 1959 when I first went to Badger Ordnance to do work.**

Q. And you were working for Johnson Insulation in 1959?

**A. That's correct, out of Madison, yeah.**

Q. And at that time Mr. -- Is it Souja?

**A. Souja.**

Q. Mr. Souja was not working with you in 1959, correct?

**A. That's correct.**

Q. You had mentioned that there was a bunch of weathering that had happened on some of the insulation at Badger Ordnance when you were there later in the '60s; is that correct?

**A. That's correct.**

Q. Was all the pipe insulation exposed to the elements, the pipe insulation you were working on in the '60s?

**A. 99 percent of it was.**

Q. So 99 percent of that insulation that you and Mr. Souja were working on was outside?

**A. Correct.**

Q. Okay. In any event, you did not work with Mr. Souja at Badger Ordnance before 1960,

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# EXAMINATION

BY MR. MORRIS:

Q. This should be real quick, Mr. Schlub. My name is David Morris, as you probably remember earlier. If I'm not speaking loud enough, let me know.

**A. Well, yeah --**

Q. I've never been accused of being quiet, but --

**A. No. Sometimes I have -- understanding colored people when they talk.**

Q. Okay. I'll speak slowly then. I haven't heard that one. That's okay.

**A. I can --**

Q. I know you're from a different era.

Let me start out here. You mentioned that in the '50s you worked for whom?

**A. Johnson Insulating Company.**

Q. So that was the first time you were at Badger Ordnance, right?

**A. Yes. Yes.**

Q. Do you remember what year that was that you started at Badger Ordnance?

**A. I got in the trade in 1955, and I -- it**

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correct?

**A. That's correct.**

Q. Do you remember what year it was in the 1960s that you and Mr. Souja were working at Badger Ordnance?

**A. It was around -- I bought a new car, a '67 car, and that's when I remember being there with him.**

Q. So your best estimate is that you were working at Badger Ordnance with Mr. Souja around 1967?

**A. Yes.**

Q. Roughly.

Do you know how long a period you and Mr. Souja were working at Badger Ordnance?

**A. Off and on, I would say maybe five months, six months.**

Q. And for this period of five to six months, were you both working for L&S Insulation?

**A. When I worked with Ozzie, yes.**

Q. Do you know who Elmer Borchardt is?

**A. Yeah.**

Q. Who is Elmer Borchardt?

**A. He's the owner of L&S.**

7 (Pages 25 to 28)

[Examination by Mr. Morris]

Page 29

1 Q. And was he the owner and president when  
2 you were working for L&S?

3 A. Yes.

4 Q. And Mr. Borchardt, in your estimation and  
5 your experience as an insulator, would know what  
6 products L&S was using in the 1960s?

7 MR. ARCHER: Objection, assumes facts,  
8 speculation.

9 BY THE WITNESS:

10 A. I don't know what Mr. Borchardt knew and  
11 what he didn't know.

12 Q. But in any event, you agree he was the  
13 owner of L&S when --

14 A. Right, yes.

15 MR. ARCHER: Asked and answered.

16 BY MR. MORRIS:

17 Q. -- you worked for them?

18 Now, when you and Mr. Souza went out to  
19 Badger Ordnance, I thought you mentioned that Badger  
20 Ordnance was owned by the U.S. Government at that  
21 time?

22 A. That's correct.

23 Q. And even during the entire time that you  
24 worked there, it was a U.S. Government facility,

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1 A. Yes, I can remember that.

2 Q. And I think you've testified you remember  
3 working with calcium silicate products, correct?

4 A. That's correct.

5 Q. And do you recall what kind of product  
6 out of those categories Kaylo is?

7 MR. ARCHER: Assumes facts.

8 BY THE WITNESS:

9 A. Do I -- Repeat it.

10 Q. Out of the three categories of insulation  
11 we just talked about -- 85 Magnesia, Magnesia cement,  
12 and calcium silicate -- do you remember what category  
13 of product Kaylo was?

14 MR. ARCHER: Assumes facts.

15 BY THE WITNESS:

16 A. It was an asbestos product, is what I  
17 know.

18 Q. Do you recall whether or not Kaylo was an  
19 85 Magnesia product or a calcium silicate product?

20 MR. ARCHER: Same.

21 BY THE WITNESS:

22 A. It was 85 percent or whatever. I don't  
23 know, 85 what, whatever.

24 Q. Do you recall what kinds of products

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1 correct?

2 A. That's correct, yes, Badger Ordnance  
3 ammunition plant.

4 Q. As we sit here today, is Badger Ordnance  
5 the only job site that you recall working with  
6 Mr. Souza at?

7 A. I worked on other jobs with him too, but  
8 not with -- not necessarily with Kaylo.

9 Q. So the Badger Ordnance site is the only  
10 site that you can testify that you worked with him  
11 where Kaylo, you said, was present?

12 A. That's correct.

13 Q. You had mentioned that you were an  
14 asbestos worker beginning in the -- 1955 through,  
15 when, the 1980s?

16 A. Right.

17 Q. And as an asbestos worker, did you guys  
18 ever use 85 Magnesia insulation?

19 A. 85 Magnesia, is that the name of it?

20 Q. I'm asking you. Do you recall ever  
21 working with a kind of product called 85 Magnesia?

22 A. I can remember that, yes.

23 Q. Did you ever work with any Magnesia  
24 cement?

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1 Johns Manville made?

2 A. Yes.

3 Q. Did you ever use any Johns Manville  
4 products while you worked for L&S?

5 A. Yes.

6 Q. Do you remember the types of products  
7 that you worked for -- or worked with that were Johns  
8 Manville while you worked for L&S?

9 A. It was pipe covering and duct insulation.

10 Q. When you say you worked with Johns  
11 Manville pipe covering, was this asbestos-containing  
12 pipe covering?

13 A. To my recollection, it was.

14 Q. During your career either at Johnson  
15 Insulation or L&S Insulation, did you ever work with  
16 any Pabco products?

17 A. Yes.

18 Q. What kinds of Pabco products did you work  
19 with?

20 A. Pipe covering and cement. I think they  
21 had cement. Pabco block, I think, too, covering and  
22 block and whatever and cement.

23 Q. Do you recall if you used any Pabco  
24 products while you worked at Badger Ordnance?

8 (Pages 29 to 32)



[Examination by Mr. Morris]

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**A. I don't recall working with Pabco products at Badger Ordnance.**

Q. How about Johns Manville products? Do you recall whether or not you were using any of those during your time at Badger Ordnance with Mr. Souja?

**A. My recollection was that Kaylo was used at that time.**

Q. And your understanding is that Kaylo is not made by Johns Manville, correct?

**A. It's made by Owens Illinois, I understand.**

Q. So your testimony -- All right. That's okay.

During your career do you remember working with a product called Thermobestos?

**A. Yes.**

Q. Do you recall whether or not you used Thermobestos at Badger Ordnance in the 1960s with Mr. Souja?

**A. I don't recall using it, no.**

Q. Can you describe for me what an 85 Magnesia pipe covering looks like?

**A. It's made of a substance that looks like chalk. It's formed to fit the pipe. When you work**

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**with it, it gives off dust, and the appearance is real white when the material is new.**

Q. How about a calcium silicate pipe covering? Can you describe what that looks like?

**A. Cal-sil was similar, but it had different characteristics. It had different coloration and composition than Kaylo.**

Q. Describe what you mean by you saying "different coloration."

**A. It wasn't as vividly bright white.**

Q. So one of the telltale signs, then, of cal-sil as opposed to 85 Mag in your testimony is that it was not as bright white?

MR. ARCHER: Argumentative, overbroad, assumes facts, misstates his testimony also.  
BY THE WITNESS:

**A. I don't quite understand that.**

Q. So your testimony is that cal-sil was not as bright white as 85 Mag?

**A. To my recollection, that's true.**

Q. Now, you had mentioned when counsel was asking you questions that you could tell what the brand of the pipe insulation was that you were removing at Badger Ordnance; do you recall that?

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**A. I recall after tearing it off and seeing the bright chalky material that was left after I removed all the weather material, I could tell that that was Kaylo.**

Q. And just to be clear, because I know that some asbestos workers use the term "Kaylo" generically, you're testifying that you could tell that it was the Kaylo brand as opposed to Johns Manville or Pabco or Pittsburgh Corning; is that correct?

MR. ARCHER: Assumes facts not in evidence.

MR. MORRIS: Well, hold on. What facts does it assume?

MR. ARCHER: That some asbestos workers called Kaylo -- or insulation Kaylo generically. That's not been established as a fact by anybody in this --

MR. MORRIS: Well, let me cure the question, then.

BY MR. MORRIS:

Q. Is it your testimony, then, that when you removed the pipe insulation from Badger Ordnance, that you could tell that the product that you were

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removing was Kaylo as opposed -- Kaylo brand as opposed to Johns Manville or Pabco or Pittsburgh Corning?

**A. In my mind I could say that I could tell it was Kaylo.**

Q. How does Kaylo look -- Kaylo brand pipe insulation look different from, let's say, Pabco brand pipe insulation?

**A. I think I told you that before, that it has a different coloration, it has different composition, it's not as white in coloration.**

Q. And when you say a "different composition," you just mean the texture of the material itself?

**A. The texture, if it's porous or smooth or whatever, yes.**

Q. Which is Kaylo, porous or smooth?

**A. Smooth and more -- less porous.**

Q. But when you talk about composition, you're not talking about chemical composition, correct?

**A. No, just the physical composition. I wouldn't know about chemicals.**

Q. I just want to make sure.

9 (Pages 33 to 36)

[Examination by Mr. Morris]

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**A. There's a certain odor to them, but I don't -- I could distinguish some of that, yeah.**

**Q.** You had also testified earlier that you knew that -- at least it was your testimony that you knew that some of the pipe insulation you were removing in the '60s was insulation that you installed when you were first at Badger Ordnance. Do you remember that testimony?

**A. I would say that some of it could have been.**

**Q.** Okay. But you didn't start at Badger Ordnance until 1959; is that correct?

**A. It was -- from what I understood, it was covering that had been applied in the '40s also, because other workers that were older than I was said it was Kaylo insulation that they had installed.**

**Q.** All right. I'm going to come back to my previous question in a second, but let me just go after that real quickly. So your testimony is that someone told you that they installed Kaylo in the 1940s?

**A. Some of the pipe coverers did, yeah. And that insulation was still on there, and a lot of it was still good yet.**

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**Q.** Insulation that was put in in the '40s, correct?

**A. Yeah. If it hadn't weathered, it was still good yet.**

**Q.** So back to the question I asked before, because I'm not sure --

**MR. MORRIS:** Do you even have the one before the last?

(Record read as requested.)

**BY MR. MORRIS:**

**Q.** Could you answer that question?

**A. What was the question again?**

**Q.** Just strike that question.

Let's talk a little bit about Local 19.

Local 19 was the union you were a part of in Milwaukee, Wisconsin, correct?

**A. That's correct, I was a member of the Local 19.**

**Q.** Did you know Robert or Bob Viola?

**A. Yes, I did.**

**Q.** When did you first meet Bob Viola?

**A. I met Bob Viola at Portage powerhouse, electric powerhouse at Portage, Wisconsin. I think it was Wisconsin Power & Light or Madison Gas, one of**

**those.**

**Q.** Do you know if Bob Viola was in the trade during the same period that you began in the trade?

**A. He was in there at the same time I was, yes.**

**Q.** Did you and Mr. Viola ever work for the same companies?

**A. Yes.**

**Q.** Which ins- -- When I say "companies," I meant insulation contractors.

**A. Right.**

**Q.** Which insulation contractors did you both work for?

**A. At Portage it was -- it could have been Johnson or it could have been Sprinkmann too.**

**Q.** So you worked for Sprinkmann at some point in your career?

**A. Yes, I did.**

**Q.** When did you work for Sprinkmann?

**A. When? Well, I worked for them at different periods of time in my life. When I was laid off from Johnson, I would work for Sprinkmann if they had work.**

**Q.** So this was sort of in between different

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companies, you'd just go work for Sprinkmann if you needed to do some work here or there; is that correct?

**MR. ARCHER:** Assumes facts.

**BY THE WITNESS:**

**A. If I was laid off, I would work for Sprinkmann if they were hiring, yes.**

**Q.** Did you work for Sprinkmann in the 1960s; do you recall?

**A. I probably did.**

**Q.** Did you know a person by the name of John Locher? Does that name ring a bell?

**A. John who?**

**Q.** Locher?

**A. Locher? How do you spell that?**

**Q.** L-o-c-h-e-r.

**A. I worked with Lockey. I don't know if that's different. Locher, John Locher? I can't say for sure.**

**Q.** Okay. In any event, the Local 19 at that time was called the Asbestos Workers Union, right?

**A. Yes.**

**Q.** And do you recall whether or not you guys, as part of Local 19, got newsletters from the

10 (Pages 37 to 40)

[Examination by Mr. Morris]

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1 union hall?

2 **A. At that time? At what time?**

3 **Q. In the '50s and 1960s.**

4 **A. There wasn't any newsletters at that**  
 5 **time. At least I don't remember having a newsletter**  
 6 **then. I get them now, but I don't remember getting**  
 7 **them then.**

8 **Q. And as an asbestos worker, can you tell**  
 9 **me what changed with respect to how you did your job**  
 10 **from, let's say, the late 1950s to the 1970s? Did**  
 11 **anything in the way that you applied insulation**  
 12 **change?**

13 **A. It changed, yes.**

14 **Q. How so?**

15 **A. Well, the way you applied it, you wired**  
 16 **it on, but you also -- instead of putting tar paper**  
 17 **or weather-proofing on, you would put aluminum**  
 18 **jacketing on it. But you applied the insulation the**  
 19 **same way, you wired it on.**

20 **Q. How about the kind of gear that you'd use**  
 21 **in the field? Did you have different kinds of tools**  
 22 **and safety equipment from the 1950s to the 1970s?**

23 **A. Yes, sure.**

24 **Q. What different equipment did you get?**

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1 **A. It wasn't different equipment. It was**  
 2 **all the same. It was -- you had your pliers and your**  
 3 **nippers and you had your saws and you had your**  
 4 **trowels. You had all that stuff, yeah.**

5 **Q. How about, like, masks for the workers?**  
 6 **When do you -- When were you first using masks in the**  
 7 **field, if ever, as an asbestos worker?**

8 **A. Face masks?**

9 **Q. Yeah.**

10 **A. We never used them at Badger Ordnance, I**  
 11 **know that.**

12 **Q. And that was in the late -- well, 1967 at**  
 13 **least, correct?**

14 **A. Yeah. You could -- They never -- The**  
 15 **companies never gave us masks to wear. Some of the**  
 16 **guys would buy their own, but they were -- they**  
 17 **weren't -- they were just Mickey Mouse masks. They**  
 18 **weren't real good filters.**

19 **Q. Do you recall a time when you were**  
 20 **required to wear a mask in the field?**

21 **A. No -- I can remember a time when I was**  
 22 **required to, yeah.**

23 **Q. Do you remember when that started?**

24 **A. That was toward the end of my working**

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1 **years, maybe the '80s. When we worked in a**  
 2 **powerhouse or something, they required us to wear a**  
 3 **mask.**

4 **Q. But even in the late '60s and early**  
 5 **1970s, you weren't required to wear a mask in the**  
 6 **field?**

7 **A. No. No. When OSHA came along, then they**  
 8 **changed that, yeah.**

9 **Q. And back to the work in 1967 at Badger**  
 10 **Ordnance. When you said you were removing old,**  
 11 **deteriorated pipe insulation, am I correct, then,**  
 12 **that obviously this pipe insulation had been outside**  
 13 **of the box for some time, correct?**

14 **A. That's correct.**

15 **Q. I mean, the boxes that that insulation**  
 16 **came in were no longer there because it was on the**  
 17 **pipe, correct?**

18 **A. Yeah. That was -- Yeah, the boxes were**  
 19 **destroyed, yeah.**

20 **Q. Because the normal process is you take**  
 21 **the insulation out of the box, you do what you have**  
 22 **to do to put on the pipe, and then the box goes away,**  
 23 **correct?**

24 **A. Right, yeah.**

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1 **Q. Let me just look to see if there's**  
 2 **anything else here.**

3 **A. But that was also -- When it came in the**  
 4 **box, it would say Kaylo product on there, Kaylo pipe**  
 5 **insulation.**

6 **Q. I understand, but that -- That's fine. I**  
 7 **understand that.**

8 **A. But I can remember that it had the name**  
 9 **on there.**

10 **MR. MORRIS: I think that's all I have.**  
 11 **Thank you.**

12 **MR. ARCHER: Thank you. Your deposition**  
 13 **is complete.**

14 **THE WITNESS: Thank you.**

15 **THE COURT REPORTER: What do you want to**  
 16 **do about signature?**

17 **MR. MORRIS: You want to turn this off?**  
 18 **I've got to ask him something off the record.**

19 **MR. ARCHER: Yeah. Hold on a second.**  
 20 **It's 10:43. We're off the record.**

21 **(WHEREUPON, signature was waived and**  
 22 **the witness was excused.)**

## 1 CERTIFICATION

2  
3 I, Kathy A. O'Donnell, Certified Shorthand  
4 Reporter and Notary Public within and for the State of  
5 Illinois, DO HEREBY CERTIFY that pursuant to  
6 notice/agreement between the parties, the  
7 aforementioned witness came before me at the time and  
8 place hereinbefore mentioned, and having been duly  
9 sworn to tell the whole truth of his knowledge  
10 touching upon the matter in controversy aforesaid;  
11 that he was examined on the day, and his examination  
12 was taken in shorthand and later reduced to printing;  
13 that signature by the witness is waived; and said  
14 deposition is herewith forwarded to the taking  
15 attorney.  
16  
17  
18

19 \_\_\_\_\_  
20 Kathy A. O'Donnell  
21 Certified Shorthand Reporter  
22 CSR License No. 084-004466  
23 Notary Public, State of Illinois  
24 February 3, 2012

A				
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